(v) Used to produce California gasoline as defined in §80.81(a)(2).

(e)(1) Any refiner or importer shall have exceeded the blendstock-to-gasoline ratio percentage change threshold if:

(i) The peak year blendstock-to-gasoline ratio percentage change calculated under paragraph (d)(1)(ii) of this section is more than ten; or

(ii) Beginning on January 1, 1998, the cumulative blendstock-to-gasoline ratio percentage change calculated under paragraph (d)(2)(ii) of this section is more than ten.

(2) Any refiner or importer that exceeds the blendstock-to-gasoline ratio percentage change threshold shall, without further notification:

(i) Include all blendstocks produced or imported and transferred to others in its compliance calculations under §80.101(g) for two averaging periods beginning on January 1 of the averaging period subsequent to the averaging period when the exceedance occurs;

(ii) Provide transfer documents to the recipient of such blendstock that contain the language specified at §80.106(b); and

(iii) Transfer such blendstock in a manner such that the ultimate blender of such blendstocks has a reasonable basis to know that such blendstock has been accounted for.

(3) Any refiner or importer that has previously exceeded the blendstock-to-gasoline ratio percentage change threshold, and subsequently exceeds the threshold for an averaging period and is not granted a waiver pursuant to paragraph (f)(2)(i) of this section, shall, without further notification, meet the requirements specified in paragraphs (e)(2) (i) through (iii) of this section for four averaging periods, beginning on January 1 of the averaging period following the averaging period when the subsequent exceedance occurs.

(f)(1) The refiner or importer blendstock accounting requirements specified under paragraph (e) of this section shall not apply in the case of any refiner or importer:

(i) Whose 1990 baseline value for each regulated fuel property and emission performance, as determined in accordance with §§80.91 and 80.92, is less stringent than the anti-dumping statutory baseline value for that parameter or emissions performance;

(ii) Whose averaging period blendstock-to-gasoline ratio, calculated according to paragraph (d)(1)(i) of this section, is equal to or less than .0300; or

(iii) Who obtains a waiver from EPA, provided that a petition for such a waiver is filed no later than fifteen days following the end of the averaging period for which the blendstock-to-gasoline ratio percentage change threshold is exceeded.

(2)(i) EPA may grant the waiver referred to in paragraph (f)(1)(iii) of this section if the level of blendstock production was the result of extreme or unusual circumstances (e.g., a natural disaster or act of God) which clearly are outside the control of the refiner or importer, and which could not have been avoided by the exercise of prudence, diligence, and due care.

(ii) Any petition filed under paragraph (f) of this section shall include information which describes the extreme or unusual circumstance which caused the increased volume of blendstock produced or imported, the steps taken to avoid the circumstance, and the steps taken to remedy or mitigate the effect of the circumstance.

(g) Notwithstanding the requirements of paragraphs (a) through (f) of this section, any refiner or importer that transfers applicable blendstock to another refiner or importer with a less stringent baseline requirement, either directly or indirectly, for the purpose of evading a more stringent baseline requirement, shall include such blendstock(s) in determining compliance with the applicable requirements of this subpart.

[59 FR 7860, Feb. 16, 1994, as amended at 59 FR 36969, July 20, 1994]

§ 80.103 Registration of refiners and importers.

Any refiner or importer of conventional gasoline must register with the Administrator in accordance with the provisions specified at §80.76.

§ 80.104 Recordkeeping requirements.

Any refiner or importer shall maintain records containing the information as required by this section.